

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
CROSS COMMERCE MEDIA, INC.,

Plaintiff/Counterclaim
Defendant,

-against-

COLLECTIVE, INC.,

Defendant/Counterclaim
Plaintiff.
-----X

13 **CIVIL** 2754 (KBF)

JUDGMENT

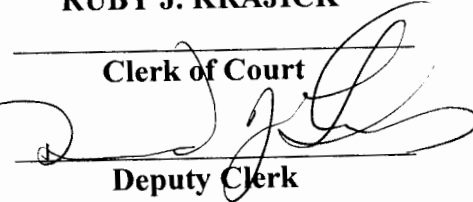
Whereas in an Opinion and Order dated March 24, 2014, the Court having granted in part and denied in part, both CCM's motion for partial summary judgment and Collective's motion pursuant to Rule 56(d); in an Opinion and Order dated August 21, 2014, the Court having granted plaintiff's motion for summary judgment as to defendant's claim for trademark infringement and its claim for declaratory judgment; the Court also entered judgment for plaintiff with respect to its First Cause of Action and with respect to Counts One and Two of defendant's counterclaims; the Court also having granted plaintiff's motions to preclude expert testimony by Michael Rappeport and Thomas T. Berger, and denied plaintiff's July 11, 2014 motion in limine as moot; in an Order dated September 22, 2014, the Court having dismissed Count Three of CI's Counterclaims with prejudice; in an Opinion and Order dated December 16, 2014, the Court having granted Cross Commerce's motion as to the registrations, granted Cross Commerce's motion for attorneys' fees, denied its motion for sanctions as essentially duplicative, and denied as moot the pending Daubert motions; in an Order dated January 6, 2015, the Court having granted Plaintiff Cross Commerce Media, Inc.'s motion under 15 U.S.C. § 1119 and ordered the PTO to cancel Registration No. 3538489 for "Collective Network," Registration No. 3671913 for "Collective Video" and to disclaim the term "collective" from Registration No. 3929580 from "C Collective the Audience Engine;" Cross Commerce having filed a statement in support of its request for attorneys' fees on December 30,

2014; Defendant Collective, Inc. having filed its opposition on January 29, 2015; Cross Commerce having filed a reply on February 5, 2015, and the matter having come before the Honorable Katherine B. Forrest, United States District Judge, and the Court, on February 11, 2014, having rendered its Memorandum Decision and Order granting in part and denying in part Cross Commerce's motion for attorneys' fees and awarding total fees and costs of \$1,242,638.54, it is,

ORDERED, ADJUDGED AND DECREED: That for the reasons stated in the Court's Opinions and Orders dated March 24, 2014 and August 21, 2014, Orders dated September 22, 2014 and January 6, 2015, and Memorandum Decisions and Orders dated December 16, 2014 and February 11, 2015, both CCM's motion for partial summary judgment and Collective's motion pursuant to Rule 56(d) is granted in part and denied in part; plaintiff's motion for summary judgment as to defendant's claim for trademark infringement and its claim for declaratory judgment is granted; judgment is entered for plaintiff with respect to its First Cause of Action and with respect to Counts One and Two of defendant's counterclaims; plaintiff's motions to preclude expert testimony by Michael Rappeport and Thomas T. Berger is granted and plaintiff's July 11, 2014 motion in limine is denied as moot; the Court dismisses Count Three of CI's Counterclaims with prejudice; the Court grants Cross Commerce's motion as to the registrations, grants Cross Commerce's motion for attorneys' fees, denies its motion for sanctions as essentially duplicative, and denies as moot the pending Daubert motions; the Court grants Plaintiff Cross Commerce Media, Inc.'s motion under 15 U.S.C. § 1119 and orders the PTO to cancel Registration No. 3538489 for "Collective Network," Registration No. 3671913 for "Collective Video" and to disclaim the term "collective" from Registration No. 3929580 from "C Collective the Audience Engine;" and the Court grants in part and denies in part Cross Commerce's motion for attorneys' fees and awards total fees and costs of \$1,242,638.54; accordingly, the case is closed.

Dated: New York, New York
February 27, 2015

RUBY J. KRAJICK

Clerk of Court
BY: _____
Deputy Clerk

**THIS DOCUMENT WAS ENTERED
ON THE DOCKET ON _____**